



THE ATTORNEY GENERAL OF TEXAS

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AUSTIN, TEXAS 78711

September 21, 1972

Mr. Jesse M. Irwin, Jr.
Commissioner for Rehabilitation
Texas Rehabilitation Commission
1301 West 38th Street
Austin, Texas 78705

Opinion No. M-1222

Re: Determination of
eligibility of
maternity leave

Dear Mr. Irwin:

You request our opinion on whether an unmarried female employee of the Texas Rehabilitation Commission is entitled to take sick leave, with pay, for the purpose of maternity leave.

Article V, Section 7b, of the General Appropriations Act of the 62nd Legislature (Senate Bill 1, Acts 62nd Leg., 3rd C. S., 1972), in its relevant portion, reads as follows:

" . . . An employee is entitled to take sick leave with pay only when he or a member of his immediate family is actually ill, and in the case of female employees, for the purposes of maternity leave."
(Emphasis added)

The Appropriations Act provides that female employees are entitled to sick leave with pay for the purposes of maternity leave. The Act itself is so clear that it does not admit to an interpretation or a construction.

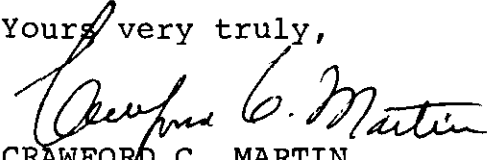
It is therefore our opinion that a female employee is entitled to maternity leave with pay for the number of days that she has accumulated as sick leave without regard to her marital status.

S U M M A R Y

A female employee is entitled to maternity leave with pay for the number of days that she has accumulated as sick leave without regard to her marital status.

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Yours very truly,


CRAWFORD C. MARTIN
Attorney General of Texas

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APPROVED:
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